



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: January 9, 2013

Sponsored by Council Members: Webb, Motsavage, Matzo, Rennia, Mihalko, Berg, Papastrat

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING THE
DEMOLITION OF FLOOD-DAMAGED HOMES,
STATING THE ESTIMATED MAXIMUM COST
OF \$3,500,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE, AND
AUTHORIZING THE ISSUANCE OF \$3,500,000
BONDS OF SAID CITY TO FINANCE SAID
APPROPRIATION

WHEREAS, the City of Binghamton wishes to authorize the issuance of \$3,500,000 in bond funds for the demolition of homes damaged by flood waters during Tropical Storm Lee, pending reimbursement from the Federal Emergency Management Agency (FEMA) and homeowners; and

WHEREAS, in order to finance this project, it is necessary for the Council of the City of Binghamton to adopt a Bond Ordinance, the full text of which is attached hereto as "Exhibit A".

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That this Bond Ordinance, authorizing the issuance of serial bonds in an amount not to exceed Three Million, Five Hundred Thousand Dollars (\$3,500,000) by the City of Binghamton, annexed hereto as "Exhibit A".

Section 2. That this Ordinance shall take effect immediately upon (1) adoption by the Council of the City of Binghamton and approved in writing by the Mayor of the City of Binghamton in the manner prescribed by law; and (2) its approval in writing by the Board of Estimate and Apportionment of the City of Binghamton.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 1/9/13. Approved by the
Mayor on 1/10/13.

Edugla Palmer

Motion to approve legislation
Moved by Webb, seconded by Motsavage

Motion to declare City Council as lead
agency, and to declare this action as an
unlisted action according to the State
Environmental Quality Review Act.

Moved by Webb, seconded by Motsavage
Voice vote, none opposed.

Motion to approve a State Environmental
Quality Review Act Negative Declaration
Moved by Webb, seconded by Motsavage.
Voice vote, none opposed.

Motion to approve legislation
Moved by Webb, seconded by Motsavage
Motion carried. Legislation adopted as
Permanent Ordinance 13-1. See "Final Vote"

"Final Vote"				
	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

Introductory No. 013-1

Permanent No. 013-1

Sponsored by City Council Members:
Webb, Motsavage, Matzo, Rennia, Mihalko, Berg,
Papastrat

AN ORDINANCE AUTHORIZING THE
DEMOLITION OF FLOOD-DAMAGED HOMES,
STATING THE ESTIMATED MAXIMUM COST
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FOR SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF \$3,500,000 BONDS OF SAID CITY
TO FINANCE SAID APPROPRIATION

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date January 9, 2013
City Clerk

Date Presented to Mayor
1/10/13

Date Approved
Mayor

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: None

Date: January 9, 2013

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Approval of bond for demolition of houses pursuant to a FEMA buy-out program.

SEQR Status: Type 1
 Unlisted X

Conditioned Negative Declaration: Yes
 No X

Description of Action:

The Federal Emergency Management Agency (FEMA) has approved a buy-out program for demolition of homes damaged by flood waters during Tropical Storm Lee. The FEMA program will pay a portion of the cost and the homeowner will pay the balance. The City wishes to bond for the amount of the cost of demolition and will be reimbursed.

Location: The City of Binghamton, Broome County, New York

Reasons Supporting This Determination:

Insofar as these homes are not habitable and are in the natural watercourse during flood conditions, the demolition of these homes will remove blight and provide for natural disbursement of flood waters.

The lead agency has reviewed the Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

The action will not produce a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The action will not involve the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant or the habitat of such a species; or other significant adverse impacts to natural resources.

The action will not cause the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14 (g).

The action will not create a material conflict with a community's current plans or goals as officially approved or adopted. Indeed, it is in keeping with the City of Binghamton's Comprehensive Plan.

The action will not impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The action will not cause a major change in the use of either the quantity or type of energy.

The action will not create a hazard to human health.

The action will not cause a substantial change in the use or intensity of use of land including agriculture, open space or recreation resources, or in its capacity to support existing uses.

The action will not change two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together results in a substantial adverse impact on the environment.

Impacts from the action may combine with impacts of other, possible independent actions in the vicinity. The lead agency finds that when considered cumulatively such combination will not create a significant adverse impact on the environment.

For Further Information

Contact Person: Teri Rennia, President
City of Binghamton City Council

Address: City Hall
38 Hawley Street
Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)

EXTRACT OF MINUTES

Meeting of the Council of the City of Binghamton,

in the County of Broome, New York

January 9, 2013

* * *

A regular meeting of the Council of the City of Binghamton, in the County of Broome, New York, was held at the City Hall, Binghamton, New York, on January 9, 2013.

There were present: Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

Councilpersons: (See above)

There were absent: None

Also present: Angela Holmes, City Clerk

* * *

Councilwoman Lea Webb offered the following ordinance and moved its adoption:

EXHIBIT A

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JANUARY 9, 2013, AUTHORIZING THE DEMOLITION OF FLOOD-DAMAGED HOMES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for the demolition of damaged homes caused by recent storms;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BINGHAMTON, NEW YORK, DULY CONVENED (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to demolish flood-damaged homes. The estimated maximum cost of the foregoing, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000 and said amount is hereby appropriated for such purpose, such appropriation having been authorized by the Council pursuant to Ordinance No. 13-1. The plan of financing includes the issuance of \$3,500,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the

principal of said bonds and the interest thereon as the same shall become due and payable. It is expected that grant funds shall be received from the United States of America (FEMA), the State of New York and/or other sources, and any such grant funds shall be used to pay all or part of the cost of the projects described herein or to pay debt service on any bonds or notes issued pursuant to this ordinance. In the event that grant funds are used to pay any part of the cost of the project expected to be financed pursuant to this ordinance, the principal amount of bonds or notes issued shall be reduced by a like amount.

Section 2. Bonds of the City in the principal amount of not to exceed \$3,500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. (a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12-a of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal

and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 6. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "*Binghamton Press*," a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

* * *

The adoption of the foregoing ordinance was seconded by Councilman Jerry Motsavage and duly put to a vote on roll call, which resulted as follows:

AYES: Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

NOES: None


The ordinance was declared adopted.

Approved by the Mayor on January 10, 2013.

CERTIFICATE

I, ANGELA HOLMES, City Clerk of the City of Binghamton, in the County of Broome, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Council of said City of Binghamton duly called and held on January 9, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Binghamton this 9th day of January, 2013.



City Clerk



RB MAYOR'S OFFICE

AFFIDAVIT OF PUBLICATION

State of New York
City of Binghamton
County of Broome, ss.:

Stacie Heath being duly sworn, deposes and says that she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga State of New York and Susquehanna County State of Pennsylvania PRESS & SUN BULLETIN.

A notice of which the annexed is a printed copy, was published on the following dates:
1/12/2013

Stacie Heath

Stacie Heath

Sworn to before me this 14th day of January, 2013

Suzanne J. Weston
Notary Public

SUZANNE J. WESTON
Notary Public, State of New York
No. 01WE4980512
Residing in Broome County
My Commission Expires 4-22-2015

FOR SUCH PURPOSE,
AND AUTHORIZING THE
ISSUANCE OF \$3,500,000
BONDS OF SAID CITY TO
FINANCE SAID APPROPRIATION.

NOTICE: The ordinance, to be issued for demolition of flood-damaged homes at a summary of which is published herewith, has been the estimated total cost of adopted by the Council of the City of Binghamton on January 9, 2013. Such ordinance was approved in writing by the Mayor of the City on January 10, 2013 and by the Board of Estimate and Apportionment of the City on January 9, 2013. The amount of obligations to be issued is \$3,500,000. The period of probable usefulness of the bonds is five (5) years.

A complete copy of the Bond Ordinance summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, City of Binghamton, City Hall, 38 Hawley Street, Binghamton, in the County of Broome, New York, 17/12/2013. The validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Binghamton, in the County of Broome, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

DATE: January 11, 2013

ANGELA HOLMES
City Clerk
City of Binghamton, New York

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JANUARY 9, 2013, AUTHORIZING THE DEMOLITION OF FLOOD-DAMAGED HOMES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000, APPROPRIATING SAID AMOUNT